

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

SCOTT S. SMITH,

Plaintiff,

v.

CAUSE NO.: 2:19-CV-496-TLS-JPK

ANDREW M. SAUL, Commissioner of the  
Social Security Administration,

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge [ECF No. 18], filed by Magistrate Judge Joshua P. Kolar on January 14, 2021. On December 24, 2019, the Plaintiff filed a Complaint [ECF No. 1] in which he sought to appeal a final administrative decision that denied his request for disability benefits. The Plaintiff filed an Opening Brief [ECF No. 13], the Defendant filed a Response [ECF No. 16], and the Plaintiff filed a Reply [ECF No. 17]. On March 9, 2020, this matter was referred to Judge Kolar for a Report and Recommendation. *See* Order, ECF No. 9. In the January 14, 2021 Report and Recommendation, Judge Kolar recommends that the Court reverse the decision of the Commissioner of the Social Security Administration and remand for further proceedings.

The Court's review of a Magistrate Judge's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C), which provides as follows:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”). Portions of a recommendation to which no party objects are reviewed for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). Judge Kolar gave the parties notice that they had fourteen days to file objections to the Report and Recommendation. As of the date of this Order, neither party has filed an objection to Judge Kolar’s Report and Recommendation, and the time to do so has passed. The Court has reviewed the Report and Recommendation and finds that the Magistrate Judge’s proposed disposition is well taken.

Therefore, the Court ACCEPTS, IN WHOLE, the Report and Recommendation of the United States Magistrate Judge [ECF No. 18]. The Court REVERSES the final decision of the Commissioner of the Social Security Administration and REMANDS this matter for further proceedings consistent with this Order.

SO ORDERED on February 5, 2021.

s/ Theresa L. Springmann  
JUDGE THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT